IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

COMPASS BANK,	§	
	§	
Plaintiff,	§	
	§	
V.	§	
	§	Civil Action No. 4:17-cv-01576
KAREN W. DIXON, CAROLINE B.	§	
MITCHELL, GLORIA B. RYAN,	§	
GWYNNE K. SHACKELFORD, AND	§	
SUNTRUST BANKS, INC. d/b/a	§	
SUNTRUST BANK	§	
	§	
Defendants.	§	

DEFENDANT SUNTRUST BANK'S OBJECTIONS TO THE EVIDENCE SUBMITTED IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL RETURN OF TRADE SECRET MATERIALS, AND VERIFIED APPLICATION FOR PRELIMINARY INJUNCTION

Defendant SunTrust Banks, Inc., dba SunTrust Bank hereby submits the following objections to purported evidence submitted by Plaintiff in support of its Motion to Compel Return of Trade Secrets and Verified Application for a Preliminary Injunction.

Ref:	Material Objected To:	Grounds for Objection:
1.	Declaration of Mark Montgomery,	Lacks authentication; Defendant is
	Exhibit 2.	entitled to remainder and/or related
		statements; inadmissible hearsay;
		violation of best evidence. See FRE 106,
		801, 802, 803, 901, 902, 1001-1008.
2.	Declaration of Mark Montgomery,	Improper opinion of a lay witness
	Exhibit 2, Paragraph 8. References to	(Federal Rules of Evidence §§701, 702);

Ref:	Material Objected To:	Grounds for Objection:
	Code of Conduct and allegedly citing	Violates the Best Evidence Rule (Federal
	information from the Code of Conduct	Rules of Evidence §1002). There is no
	without attaching it. Opinion as to what	"Code of Conduct" or its alleged content
	is confidential or proprietary	properly before this Court. Calls for a
		legal conclusion.
3.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 9: Does not	(Federal Rules of Evidence §602)
	establish basis for knowing that	Improper opinion of a lay witness
	"Everything about a customer is	(Federal Rules of Evidence §§701, 702)
	confidential. Even the fact that an	and calls for a legal conclusion.
	individual is a Compass customer is	
	confidential."	
4.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 10. References,	(Federal Rules of Evidence §602);
	without foundation, that each of the	Violates the Best Evidence Rule (Federal
	Individual Defendants was issued a	Rules of Evidence §1002).
	work laptop, the purpose for which they	
	used it, and whether they had occasion	
	to use a personal computer.	
5.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 10a. References,	(Federal Rules of Evidence §602).
	without foundation, the Individual	
	Defendants being issued a work laptop.	
6.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge

Ref:	Material Objected To:	Grounds for Objection:
	Exhibit 2, Paragraph 10b. Discusses,	(Federal Rules of Evidence §602).
	without foundation, the purposes for	
	which the Individual Defendants used a	
	work laptop and whether they had	
	occasion to use a personal computer.	
7.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 12. References,	(Federal Rules of Evidence §602).
	without foundation, that "[c]lient facing	
	employees are encouraged to build	
	relationships with customers" and that	
	they do so using Compass's goodwill	
	and resources.	
8.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 13. Identifies,	(Federal Rules of Evidence §602)
	without foundation, that client	Improper opinion of a lay witness
	relationships as Compass property and	(Federal Rules of Evidence §§701, 702)
	that clients are Compass clients.	and calls for a legal conclusion.
9.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 16. References,	(Federal Rules of Evidence §602);
	without foundation, the nature of the	Improper opinion of a lay witness
	relationship between the Individual	(Federal Rules of Evidence §§701, 702)
	Defendants and clients, and their use	and calls for a legal conclusion.
	of Compass's goodwill and resources.	
10.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge

Ref:	Material Objected To:	Grounds for Objection:
	Exhibit 2, Paragraph 17. Out of court	(Federal Rules of Evidence §602);
	statement from unidentified client	Hearsay (Federal Rules of Evidence
	declarant regarding Gloria Ryan.	§802).
11.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 18. Out of court	(Federal Rules of Evidence §602);
	statements made by unidentified client	Hearsay (Federal Rules of Evidence
	declarants regarding the reasons for	§802).
	moving their business to SunTrust.	
12.	Declaration of Mark Montgomery,	Lacks foundation, personal knowledge
	Exhibit 2, Paragraph 19. Out of court	(Federal Rules of Evidence §602);
	statement by unidentified client	Hearsay (Federal Rules of Evidence
	declarants made to Scott Zindler, out of	§802).
	court declarant, that Scott had "stood for	
	customer service even when your whole	
	network had turned upside down."	
13.	Declaration of Mark Montgomery,	Lacks foundation and authentication,
	Exhibit 2, Paragraph 23. Refers to an	personal knowledge (Federal Rules of
	unspecified client list that is not attached	Evidence §602); Hearsay (Federal Rules
	to the declaration.	of Evidence §802).
14.	Exhibits 3, 4, 5, 6. Compass Bank	Lacks foundation and authentication,
	policies, including code of conduct and	personal knowledge (Federal Rules of
	security policies, produced by Compass	Evidence §602); Hearsay (Federal Rules
	Bank.	of Evidence §802).

Ref:	Material Objected To:	Grounds for Objection:
15.	Exhibit 7. "Employee Transcript" for	Lacks foundation and authentication,
	Karen Dixon, produced by Compass	personal knowledge (Federal Rules of
	Bank.	Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
16.	Exhibits 9, 10, 11, 13, 14, 15.	Lacks foundation and authentication,
	Employment Agreements and Cash	personal knowledge (Federal Rules of
	Incentive Award Agreements produced	Evidence §602); Hearsay (Federal Rules
	by Compass Bank.	of Evidence §802).
17.	Exhibit 17. Email correspondence	Lacks foundation and authentication,
	produced by Compass Bank.	personal knowledge (Federal Rules of
		Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
18.	Exhibit 19. Spreadsheet produced by	Lacks foundation and authentication,
	Compass Bank.	personal knowledge (Federal Rules of
		Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
19.	Affidavit of David Sandlin, Exhibit 21,	Lacks foundation and authentication,
	Paragraph 3. Refers to an Exhibit 2	personal knowledge (Federal Rules of
	which is not attached to the Affidavit.	Evidence §602); Hearsay (Federal Rules
		of Evidence §802). Exhibit 2, referenced
		in the Affidavit, is missing and cannot be
		relied upon or verified.
20.	Affidavit of David Sandlin, Exhibit	Lacks foundation and authentication,
	21, Paragraph 5. States that Karen	personal knowledge (Federal Rules of

Ref:	Material Objected To:	Grounds for Objection:
	Dixon accepted a meeting from Michael Breath of SunTrust.	Evidence §602); Hearsay (Federal Rules of Evidence §802). Inter alia, the referenced Exhibit is missing and cannot be relied upon or verified.
21.	Affidavit of David Sandlin, Exhibit 21, Paragraphs 6-27. Assumes, without foundation, that Karen Dixon, Gwynne Shackelford, Gloria Ryan, Patrick Keller, Sylvia Ingram, Chantolia Joseph, and Brian Losak were the individuals using the computers to perform the identified tasks.	Lacks foundation and authentication, personal knowledge (Federal Rules of Evidence §602); Hearsay (Federal Rules of Evidence §802). Inter alia, the referenced Exhibits are missing and cannot be relied upon or verified.
22.	Exhibit 23. Unidentified spreadsheet produced by Compass Bank.	Lack foundation and authentication, personal knowledge (Federal Rules of Evidence §602); Hearsay (Federal Rules of Evidence §802).
23.	Exhibit 27. Documents produced by third party Texas Capital Bank.	Lack foundation and authentication, personal knowledge (Federal Rules of Evidence §602); Hearsay (Federal Rules of Evidence §802).
24.	Exhibit 31. Resignation letters produced by Compass Bank.	Lack foundation and authentication, personal knowledge (Federal Rules of

Ref:	Material Objected To:	Grounds for Objection:
		Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
25.	Exhibit 36. Text message produced by	Lack foundation and authentication,
	Karen Dixon.	personal knowledge (Federal Rules of
		Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
26.	Exhibit 37. Email correspondence	Lack foundation and authentication,
	produced by Compass Bank.	personal knowledge (Federal Rules of
		Evidence §602); Hearsay (Federal Rules
		of Evidence §802).
27.	Exhibits 18, 22, 28, 29, 32, 38. Email	Hearsay (Federal Rules of Evidence
	correspondence produced by Karen	§802).
	Dixon.	
28.	Exhibits 26 and 33. Email	Hearsay (Federal Rules of Evidence
	correspondence produced by SunTrust.	§802).

Respectfully submitted,

By: /s/ Arthur V. Lambert

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ATTORNEYS FOR DEFENDANT SUNTRUST BANK, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the Plaintiff's and Defendant's counsel of record:

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